

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

This document relates to:

FEDERAL INSURANCE COMPANY, et
al,

Plaintiffs,
v.

AL QAIDA, et al.,

Defendants.

MDL No. 03 MD 1570 (RCC)

NO. 03 CV 6978 (RCC)

PLEASE TAKE NOTICE, that pursuant to Rule 12(b)(1) and (6), the undersigned will move the Court, before the Honorable Richard C. Casey, U.S.D.J., at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing the First Amended Complaint against Saleh Kamel ("Kamel) and Al Baraka Investment and Development Corporation ("ABIDC") for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted.

As detailed in the accompanying Memorandum of Law, the Complaint must be dismissed against Defendants Kamel and ABIDC because Plaintiffs have failed to plead that this Court has subject matter jurisdiction over these defendants. Moreover, as a matter of law, Plaintiffs have failed to state any cause of action against these defendants.

WHEREFORE, Defendants Kamel and ABIDC respectfully request that the Court grant their motion to dismiss.

Dated: Washington, DC
July 30, 2004

MARTIN MCMAHON & ASSOCIATES

By: /s/
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